

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Kimberly Herman and
Kevin Roseff,
Relator

Civ. No. 16-1213 (MJD/BRT)

Plaintiffs,

v.

ORDER

Coloplast Corp.,

Defendant.

Benjamin E. Ford, Esq. and Paul W. Shaw, Esq., Verrill Dana, LLP; W. Anders Folk, Esq., Stinson Leonard Street LLP, counsel for Plaintiffs.

Jacqueline A. Mrachek, Esq., and Nicole A. Truso, Esq., Faegre Baker Daniels LLP, counsel for Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Becky R. Thorson dated November 9, 2016. No objections have been filed to that Report and Recommendation in the time period permitted. Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Defendant's Motion to Dismiss (Doc. No. 134) is treated as a motion for summary judgment pursuant to Federal Rule of Civil Procedure 12(d);

2. Defendant's Motion for Summary Judgment (Doc. No. 134) is **GRANTED**; and
3. Plaintiff's Amended Complaint (Doc. No. 133) is **DISMISSED WITH PREJUDICE**.
- LET JUDGMENT BE ENTERED ACCORDINGLY.**

Date: November 30, 2016

s/Michael J. Davis
MICHAEL J. DAVIS
United States District Court